

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, Application No. C-2516/  
on its own motion, to investigate ) PI-49  
cost studies to establish Qwest ORDER OPENING DOCKET  
Corporation's rates for ) ORDER SETTING PROCEDURAL  
interconnection, unbundled network SCHEDULE AND SETTING  
elements, transport and termina- HEARING  
tion and resale services. ) Entered: April 17, 2001

BY THE COMMISSION:

O P I N I O N S     A N D     F I N D I N G S

In September of 1996, the Nebraska Public Service Commission (Commission) opened Application No. C-1415 to investigate cost studies and to establish rates for interconnection, unbundled elements, transport and termination and resale services for US West Communications, now known as Qwest Corporation. After collecting evidence from the interested parties and holding hearings on this matter, the Commission for various reasons, did not enter any formal findings and conclusions in Application No. C-1415.

On March 6, 2001, we requested the parties to comment on whether or not the evidence provided in C-1415 had become outdated and stale. AT&T and Qwest filed comments in response to the Commission's questions. Upon consideration of the comments received, the Commission finds that the information contained in Application No. C-1415 has indeed become stale. Moreover, there are new unbundled network elements (UNE) that require pricing as a result of determinations made by the Federal Communications Commission (FCC) in the *UNE Remand Order*, the *Line Sharing Order*, and the *Advanced Services Order*.<sup>1</sup> In order to relieve the confusion asso

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1. As AT&T pointed out in its March 23, 2001, comments, the Federal Communications Commission (FCC) has entered three orders which have now become relevant and should be addressed through our cost docket. See, e.g., *Implementation of the Local Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order, FCC 99-238 (rel. Nov. 5, 1999) ("*UNE Remand Order*") (Where the FCC modified and supplemented its list of elements and sub-elements incumbent local exchange carriers must make available to competing local exchange carriers.) See also, *Deployment of Wireline Service Offering Advanced Telecommunications Capability*, Third Report and Order, CC Docket No. 98-147; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Fourth Report and Order, CC Docket No. 96-98, FCC 99-355 (rel. Dec. 9, 1999) ("*Line Sharing Order*") and, *Deployment of Wireline Service Offering Advanced Telecommunications Capability*, First Report and Order, CC Docket

ciated with permitting parties to supplement Application No. C-1415, the Commission hereby opens the above-captioned docket to investigate cost studies for establishing rates for interconnection, unbundled elements, transport and termination and resale services as required.

Because of the broad range of issues associated with this docket, we will address the issues progressively and will focus initially on pricing unbundled loop elements. Once this matter has been resolved, we will then focus on other pricing issues raised in Application No. C-1415 as well as elements added by the FCC subsequent to the opening of Application No. C-1415.

The interested parties in Application No. C-1415, will be allowed to move evidence including testimony, admissions, briefs, charts, graphs, cost models or any other materials which had been duly accepted by the Commission in that docket. This evidence should be resubmitted and properly marked to avoid confusion.

Any interested party, including the Commission staff will be permitted to file a cost model, or costing methodology for Commission review under this docket on or before June 7, 2001. Parties may also submit briefs, plans or recommendations to the Commission specifically with respect to pricing unbundled loop elements on or before June 21, 2001.

A hearing on the pricing of unbundled loop elements will be held at 10:00 a.m. on July 9, 2001, and possibly continued on July 10, 2001, in the Commission Hearing Room, in Lincoln, Nebraska. For parties wishing to present testimony at the July 9, 2001, hearing, direct testimony must be filed with the Commission by June 21, 2001. Rebuttal testimony must be filed by June 28, 2001.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be opened to investigate cost studies and to establish rates for interconnection, unbundled elements, transport and termination and resale services for Qwest Corporation.

IT IS FURTHER ORDERED that interested parties be allowed to file materials in accordance with the procedural cycle established herein. Interested parties shall file five paper copies as well as one electronic copy in WordPerfect 5.0 or later format of all comments, proposals and recommendations.

IT IS FINALLY ORDERED that hearings on this matter be held on July 9, 2001 and July 10, 2001, in the Commission Hearing Room, Lincoln, Nebraska as described herein.

MADE AND ENTERED at Lincoln, Nebraska this 17th day of April, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director